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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,749	07/06/2000	Mark Cheng	NC17512	5063

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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,749

Applicant(s)

CHENG ET AL.

Examiner

ALEXANDER BOAKYE

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/25/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 and 9-27 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 28, 31 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 8, 29, 30, 32, 33, 37 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 28, 31, 34, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al. (US Patent # 4,841,526)

Regarding claims 1, and 7, Wilson teaches a method for communicating between a first device and a second device using at least one variable parameter, the method comprising the steps of: transmitting a message from the first device to the second device, the message including information indicating a length of a sequence number field included in each of a plurality of transmission frames (column 3, lines 23-26; column 2, lines 61-65; column 6, lines 52-49; the claimed first device corresponds to first station 2 of Fig. 1 and the second device reads on second station 4 of Fig. 1); receiving the message at the second device (column 5, lines 35-37); storing, in response to receiving the message, the information in the second device(column 7, lines 1-3); transmitting the plurality of transmission frames from the first device(column 2, lines 61-65); receiving the plurality of transmission frames at the second device and

processing each sequence number field of the plurality of transmission frames according to the information stored in the second device(column 5,lines 47-55).

Regarding claims 28 and 31,Wilson teaches a method of operation of a base station in a wireless communication system the method comprising: receiving a message at the base station, the message comprising information indicating the length of a sequence number field included in each of a sequence of transmission frames (column 6, lines 29-48 ; Fig. 2 is a wireless communication system since Fig. 2 uses radio frequency waves for transmission of information); receiving the sequence of transmission frames at the base station, subsequent to receiving the message (column 5, lines 35-37); and processing each sequence number field of the sequence of transmission frames according to the information (column 5, lines 47-55).

Regarding claim 34 Wilson, teaches receiving a message at the device, the message comprising information indicating the length of a sequence number field included in each of a sequence of transmission frames (column 6, lines 29-48); receiving the sequence of transmission frames at the device, subsequent to receiving the message (column 5, lines 35-37); and processing each sequence number field of the sequence of transmission frames according to the information (column 5, lines 47-55).

Regarding claim 35, Wilson teaches that the device (First station 2 of Fig. 2) is a base station.

Regarding claim 36, the claimed device is a mobile station is inherent in Fig. 2 since satellite 10 of Fig. 2 uses radio frequency waves for transmission of information to base station and mobile station.

Allowable Subject Matter

2. Claims 2-3, 8, 29-30, 32-33, 37 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-6, 9-12,13-16,17-19,20-23 and 24-27 are allowable

The following is a statement of reasons for the indication of allowable subject matter: As to claims 4-6, the prior art of record does not teach a memory device; and a controller coupled to the receiver and the memory device, the controller for receiving the information from the receiver, storing the information in the memory device, and processing each sequence number field of the sequence of transmission frames according to the information. As to claims 9-12,13-16,17-19, 20-23 and 24-27, the prior art of record does not teach a receiver for receiving a message from the base station, the message including information indicating a maximum number of retransmission requests to be transmitted from the mobile station for a transmission frame missing from a sequence of transmission frames, the receiver further for receiving the sequence of transmission frames, subsequent to receiving the message.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The fax number is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB

8/1/05


CHI PHAM
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 006 8/3/05